

REMARKS/ARGUMENTS

In the Office Action mailed November 27, 2009, claims 12-30 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amendments and the below-provided remarks.

Claim Amendments

For reference, claims 12, 13, 15, 17, 18, 21, and 22 are amended. In particular, claim 12 is amended to improve the formatting of the claim and to recite the tuner includes the at least one identifier. This amendment is supported, for example, by the original language of claim 1, which was previously canceled. Claim 13 is amended to clarify the language of the claim. This amendment is supported by the original language of claim 2, which was previously canceled. Claim 15 is amended to recite the limitations previously recited in claim 16, which consequently is canceled. Claim 17 is amended to clarify that the tuner includes the at least one identifier (without reciting the calibration means). This amendment is supported, for example, by the original language of claim 6, which was previously canceled. Claim 18 is amended to recite the limitations previously recited in claims 19 and 20, which consequently are canceled. Claim 21 is amended to recite storing the specific identifier at the tuner, to recite the tuner excludes the individualized calibration signal, and the further clarify the language of the claim. Claim 22 is amended to clarify the language of the claim.

Additionally, claims 31-35 are added to recite various limitations. In particular, claim 31 recites the at least one identifier includes a visible number present on/near the tuner. Claim 32 recites the at least one identifier includes a barcode present on/near the tuner. Claim 33 recites the at least one identifier is stored at the tuner by the manufacturer. These amendments are supported, for example, by the subject matter described in the specification at page 4, lines 18-22. Claim 34 recites the tuner excludes the individualized calibration signal. This amendment is supported, for example, by the subject matter described in the specification at page 2, lines 3-6. Claim 35 recites the tuner includes a high-frequency shielding encasing, and the at least one identifier is

accessible at the tuner without a removable cover for the high-frequency shielding encasing of the tuner. This amendment is supported, for example, by the subject matter described in the specification at page 2, lines 7-12, and page 5, lines 22-23.

Claim Rejections under 35 U.S.C. 103

Claims 12-30 were rejected based on one or more cited references. The cited reference(s) relied on in these rejections include:

Badger (U.S. Pat. No. 5,678,211, hereinafter Badger)

Alpaiwalia et al. (U.S. Pat. Pub. No. 2004/0051815, hereinafter Alpaiwalia)

Potrebic et al. (U.S. Pat. No. 6,804,824, hereinafter Potrebic)

MacLean et al. (U.S. Pat. No. 7,088,388, hereinafter MacLean)

Englmeier et al. (U.S. Pat. No. 7,119,834, hereinafter Englmeier)

In particular, claims 12, 13, and 15-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Badger in view of Alpaiwalia. Claims 14 and 23-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Badger in view of Alpaiwalia and in further view of Potrebic and in further view of MacLean. Claims 14 and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Badger in view of Alpaiwalia and in further view of Englmeier. However, Applicant respectfully submits that these claims are patentable over Badger, Alpaiwalia, Potrebic, MacLean, and Englmeier for the reasons provided below.

Independent Claim 12

Claim 12 is patentable over the combination of Badger and Alpaiwalia because the combination of cited references does not teach all of the limitations of the claim.

Claim 12 recites:

A receiver comprising:

a pre-calibrated tuner arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver, wherein the tuner comprises:

at least one electronically tuned filter; and

at least one identifier for identifying at least one database field in a database outside said receiver storing an individualized calibration signal for calibrating said electronically tuned filter within said receiver; and

means for calibrating said electronically tuned filter by retrieving the individualized calibration signal generated by the pre-calibration of said tuner prior to arrangement in said receiver and specifically identified by the at least one identifier.

(Emphasis added.)

In contrast, the cited references do not teach a tuner which includes at least one identifier, as recited in the claim. Although several of the cited references deal with tuner calibration, generally, none of the cited references describes storing at the tuner the type of identifier recited in the claim.

Badger merely describes generating digital trimming or adjustment control signals where are determined from data stored in a PROM. Badger, col. 2, lines 27-30.

However, the PROM is part of the tuner. Badger, Fig. 1, PROM 42 is part of tuner section 10. So the calibration signals appear to come directly from a memory device (i.e., the PROM) that is part of the tuner section 10. Since the calibration signals are already stored on the PROM, there would appear to be no reason to store the calibration signals at another location that is less accessible than the PROM of the tuner section. Moreover, even if some of the calibration information were stored at another location outside of the tuner section, there is no description in Badger of storing an identifier at the tuner to identify such remote information. Therefore, Badger does not teach a tuner with an identifier, as recited in the claim.

Alpaiwalia also fails to describe a tuner with an identifier, as recited in the claim. Alpaiwalia describes recalling tuner parameters from a memory. Alpaiwalia, paragraph 20; Fig. 2, EEPROM 202. The memory is programmed prior to installation in the chassis. Alpaiwalia, paragraph 21. However, there is no description of the tuner 104 storing an identifier for identifying a location of such programming information. Rather,

Alpaiwalia appears to be silent as to how such programming data might be identified. Therefore, Alpaiwalia also fails to teach a tuner with an identifier, as recited in the claim.

Although Potrebic, MacLean, and Englmeier are not relied on in the current rejections of claim 1, it might be useful to note that Potrebic, MacLean, and Englmeier also fail to teach a tuner with an identifier, as recited in the claim. Potrebic describes retrieving updateable data, but the type of data retrieved is not tuner calibration data or signals. Rather, the retrieved data is merely channel guide information (i.e., what will be shown on a channel), instead of channel calibration data (i.e., how to tune the tuner to a specific channel). Furthermore, even if the updateable data of Potrebic were channel calibration data, Potrebic nevertheless does not describe using an identifier at a tuner for identifying such information. Therefore, Potrebic also fails to teach an identifier, as recited in the claim.

MacLean is even less related to channel calibration data because MacLean is directed to a film scanning system. Although MacLean describes an automatic system for calibrating film by downloading information via the internet, MacLean does not describe downloading any type of tuner calibration data because the film scanning system of MacLean does not appear to have a tuner or any tuning functionality. Moreover, even if the calibration data of MacLean were somehow related to tuner calibration, MacLean nevertheless does not describe a tuner with an identifier for identifying a location of such data. Therefore, MacLean also fails to teach an identifier, as recited in the claim.

Englmeier also fails to teach an identifier, as recited in the claim. Englmeier merely describes calibration system monitoring functionality and sending calibration information to a centralized system. However, the descriptions of such functionality are irrelevant to whether or not a tuner might store an identifier for identifying an external database with a calibration signal, as recited in the claim. Therefore, Englmeier also fails to teach an identifier, as recited in the claim.

Since none of the cited references teaches an identifier, as recited in the claim, the various possible combinations of cited references also fail to teach such an identifier. For the reasons presented above, the cited references do not teach all of the limitations of the claim because none of the cited references teach a tuner with an identifier for identifying a database with calibration data, as recited in the claim. Accordingly, Applicant

respectfully asserts claim 12 is patentable over the cited references, either alone or in combination, because the cited references do not teach all of the limitations of the claim.

Dependent Claims

Claims 13, 15, 18, and 23-35 depend from and incorporate all of the limitations of the corresponding independent claim 12. Applicant respectfully asserts claims 13, 15, 18, and 23-35 are allowable based on allowable base claims. Additionally, each of claims 13, 15, 18, and 23-35 may be allowable for further reasons.

The rejections of claims 14 and 23-26 based on the combination of Badger, Alpaiwalia, Potrebic, and MacLean are improper because the Office Action does not establish a *prima facie* rejection for these claims. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the claimed invention would have been obvious. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007)). The analysis must be made explicit. *Id.* Additionally, rejections based on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* Here, the reasoning presented in the Office Action does not address the specific limitation of “said tuner comprises a memory to store the at least one identifier.” The absence of articulated reasoning for a specific limitation cannot be sufficient to satisfy the requirements for establishing a *prima facie* case of obviousness. Moreover, the cited references do not teach the indicated limitation because the cited references do not teach a tuner with an identifier, as discussed in more detail above. Additionally, the proposed combination of cited references is improper because the described calibration of film scanning equipment is not pertinent to calibration of a TV tuner for at least two reasons. First, calibration of film scanning equipment does not address the problem of using separate manufacturers for a tuner and a receiver. Second, calibration of film scanning equipment does not address the problem of potential incompatibilities between high-frequency equipment (e.g., a tuner) and semiconductor components (e.g., a memory device). Thus, one skilled in the art would not look to the teachings of MacLean related to film scanning calibration in order to solve the problems associated with tuners and

receivers, as described in the present application. Therefore, the reasoning directed to the film scanning calibration of MacLean is not supported by a rational basis because it is substantially unrelated to the operation and potential problems of tuners/receivers. Thus, the proposed combination of cited references is improper because the articulated reasoning presented in the Office Action is deficient relative to 1) the limitation for storing an identifier at the tuner, and 2) combining the teachings of MacLean for film scanning equipment with tuner/receiver equipment. Therefore, the Office Action fails to establish *prima facie* rejections for claims 14 and 23-26 because the Office Action does not provide any articulated reasoning supported by a rational underpinning for the reasons explained above. Accordingly, Applicant respectfully submits that the rejections of claims 14 and 23-26 under 35 U.S.C. 103(a) should be withdrawn because the Office Action fails to establish *prima facie* rejections.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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